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December 30, 2025

VIA E-MAIL

Mr. Scott Jackson
Chief, Industrial Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463

Re: Notice of Planned Participation in the “Permanent Cessation of Coal Combustion by December 31, 2034” Compliance Subcategory for the William Crawford Gorgas Facility (NPDES Permit No. AL0002909)

Dear Mr. Jackson:

Please accept this as Alabama Power Company’s (“Alabama Power”) Notice of Planned Participation (“NOPP”) for the William Crawford Gorgas facility (“Plant Gorgas”). All electric generating units at Plant Gorgas have been retired and demolished. However, solid waste landfill cells containing coal combustion residuals (“CCR”) (or capable of containing CCR) exist at the facility, continue to accept CCR from other Alabama Power facilities, and periodically generate combustion residual leachate (“CRL”). This NOPP is provided, in accordance with 40 C.F.R. § 423.19(h), to opt into the permanent cessation of coal combustion by December 31, 2034 (hereinafter “2034 PCCC”) compliance subcategory so that CRL discharges are subject to the arsenic and mercury effluent limits set out in 40 C.F.R. § 423.13(l)(2)(i)(A).

I. Relevant Background

On May 9, 2024, EPA published the *Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Rule* (the “2024 ELG Rule”).¹ Relevant here, the 2024 ELG Rule established new, zero liquid discharge BAT effluent limitations for CRL.² The 2024 ELG Rule also established the 2034 PCCC compliance subcategory, which includes the mercury and arsenic BAT effluent limitations for CRL referenced above. Participants in the 2034 PCCC compliance subcategory are required to

¹ 89 Fed. Reg. 40,198 (May 9, 2024) (40 C.F.R. Part 423).

² See 40 C.F.R. § 423.13(l)(1)(i).

comply with the CRL effluent limits “as soon as possible beginning 120 days after the facility permanently ceases coal combustion, but no later than April 30, 2035.”³

EPA has instructed that 2034 PCCC NOPPs should be submitted for CRL discharges originating from any unit that has opted into the 2028 PCCC compliance subcategory.⁴ Alabama Power did not submit a 2028 PCCC NOPP for Plant Gorgas. Nevertheless, EPA’s reasoning on this issue presumably applies to facilities like Plant Gorgas, even though this issue is not squarely addressed in the 2024 ELG Rule or in other EPA materials.

In light of regulatory uncertainty and the current NOPP deadline,⁵ Alabama Power submits this NOPP out of an abundance of caution to notify ADEM that it has selected the 2034 PCCC compliance subcategory for Plant Gorgas to avail itself of the above-referenced mercury and arsenic BAT effluent limitations for CRL discharges. Should ADEM find the 2024 ELG Rule applicable to Plant Gorgas,⁶ the permanent cessation of coal combustion date(s) for the Alabama Power facilities sending CCR to Plant Gorgas landfill cells should trigger application of the mercury and arsenic BAT effluent limitations for CRL at Plant Gorgas.⁷

II. NOPP for the “Permanent Cessation of Coal Combustion by December 31, 2034” Subcategory for CRL

The 2024 ELG Rule specifies that a NOPP for the 2034 PCCC compliance subcategory must be submitted to the relevant permitting authority by “no later than December 31, 2025”⁸ and must:

³ *Id.* § 423.13(l)(2)(i)(A).

⁴ See, e.g., *2024 Supplemental Steam Electric Effluent Limitations Guidelines and Standards Implementation Briefings*, Env’t Prot. Agency 31 (2024), <https://www.epa.gov/system/files/documents/2024-08/2024-steam-electric-implementation-briefing.pdf>.

⁵ The current deadline to file this 2034 PCCC NOPP is December 31, 2025. On December 23, 2025, EPA issued a prepublication draft of its “Deadline Extensions Rule,” the proposal of which was published for public notice and comment on October 2, 2025. See 90 Fed. Reg. 47,693 (Oct. 2, 2025). The effective date of this new final rule is 60 days after it is published in the Federal Register. Alabama Power’s review of this new rule is ongoing and the company will update ADEM, as needed, if the rule impacts this NOPP filing or the compliance path for Plant Gorgas.

⁶ ADEM could conclude the 2024 ELG Rule’s CRL effluent limits are inapplicable to Plant Gorgas. See, e.g., 89 Fed. Reg. at 40,233-35.

⁷ Under this scenario, Alabama Power also reserves its right later to file a “justification” letter explaining why a date beyond 120 days after the last relevant facility permanently ceases coal combustion is necessary for Plant Gorgas, based on the “as soon as possible” factors delineated in 40 C.F.R. § 423.11(t).

⁸ 40 C.F.R. § 423.19(h)(1).

- (1) “[I]dentify the electric generating units intended to achieve the permanent cessation of coal combustion[;];”
- (2) “[I]nclude the expected date that each electric generating unit is projected to achieve permanent cessation of coal combustion[;];”
- (3) State “whether each [permanent cessation] date represents a retirement or a fuel conversion[;];”
- (4) State “whether each retirement or fuel conversion has been approved by a regulatory body, and what the relevant regulatory body is[;];”
- (5) Provide “a copy of the most recent integrated resource plan for which the applicable state agency approved the retirement or repowering of the unit subject to the ELGs, or other documentation supporting that the electric generating unit will permanently cease the combustion of coal by December 31, 2034[;];” and
- (6) “[I]nclude, for each such electric generating unit, a timeline to achieve the permanent cessation of coal combustion [which] shall include interim milestones and the projected dates of completion.”⁹

Alabama Power provides the following information to address each of these requirements.

a. Identification of Units, Dates, and Whether each Unit will Retire or Convert its Fuel Source (Requirements (1) – (3))

This NOPP is applicable to Plant Gorgas Units 8-10, which were the only units in operation at the time the retirement of the facility was announced. These units were retired in 2019.

b. Identification of Regulatory Body and whether Retirement or Fuel Conversion has been Approved (Requirement (4))

The retail electric utility operations of Alabama Power are regulated by the Alabama Public Service Commission (“APSC”) pursuant to Title 37 of the Alabama Code. Formal authorization by the APSC of the unit decisions described in Part II.a. above is not required under Alabama law. Even so, the APSC is informed of such unit decisions and the reasons for

⁹ *Id.* § 423.19(h)(2). This regulatory provision also requires a NOPP submitter to certify the flue gas desulfurization (“FGD”) wastewater and bottom ash transport water (“BATW”) compliance options with which each applicable electric generating unit is complying. See *id.* Alabama Power believes this requirement is inapplicable given this NOPP relates solely to CRL discharges. Nevertheless, these requirements are satisfied insofar as Plant Gorgas at all relevant times has not generated or discharged FGD wastewater and/or BATW.

them by virtue of its ongoing regulatory oversight and monitoring of Alabama Power's jurisdictional operations.

c. Additional Support that the Units will Permanently Cease Coal Combustion (Requirement (5))

Alabama Power has disclosed the retirement of all coal-fired units at Plant Gorgas in several public announcements and in filings pursuant to the Securities Exchange Act of 1934.¹⁰ This submittal also concludes with the customary NPDES certification statement, signed by a responsible corporate official of Alabama Power, and further attests to Alabama Power's permanent cessation of coal combustion at Plant Gorgas.

d. Unit-Specific Compliance Timelines with Interim Milestones (Requirement (6))

The retirement of all Gorgas units is complete, and coal combustion has permanently ceased. Accordingly, no milestones or timelines remain.

III. Annual Progress Report Requirement

The 2034 PCCC compliance subcategory also includes an "Annual Progress Report" submittal requirement, obligating participants to describe "the completion of any interim milestones listed in the [NOPP] since the previous progress report, provide a narrative discussion of any completed, missed, or delayed milestones, and provide updated milestones."¹¹ Annual Progress Reports must also include one of the following:

- "A copy of the official suspension filing (or equivalent filing) made to the facility's reliability authority detailing the conversion to a fuel source other than coal;"
- "A copy of the official retirement filing (or equivalent filing) made to the facility's reliability authority which must include a waiver of recission rights;" or
- "An initial certification, or recertification for subsequent annual progress reports, containing a statement that the facility will make" one of the above-referenced filings.¹²

¹⁰ See, e.g., *Form 10-K*, Ala. Power Co. (2019), <https://d18rn0p25nwr6d.cloudfront.net/CIK-0000092122/5a130524-afbe-4cc0-9af2-62900083e57d.pdf> ("Subsequent to December 31, 2018, Alabama Power determined that Plant Gorgas Units 8, 9, and 10 (approximately 10 MWs) will be retired by April 15, 2019 due to the expected costs of compliance with federal and state environmental regulations.").

¹¹ 40 C.F.R. § 423.19(h)(4).

¹² *Id.* § 423.19(h)(4)(i)-(iii).

Further, 40 C.F.R. § 423.19(h)(4)(iv) provides that a facility's final Annual Progress Report prior to permanently ceasing coal combustion cannot include the certification or recertification referenced in the last bullet point above. Instead, it must include the filing referenced in the first or second bullet point.

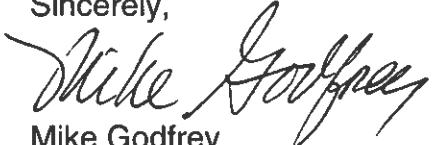
Since all units at Plant Gorgas have already permanently ceased coal combustion and have been demolished, the above-referenced Annual Progress Reports are or will not be required. Additionally, Alabama Power does not have a reliability authority for which the "official suspension" or "official retirement" filings are required. As noted above, Alabama Power previously reported to the APSC its plans for Plant Gorgas. No additional action was or is required.

IV. Conclusion

Alabama Power appreciates ADEM's attention to this matter. If ADEM requires any additional information, or if Alabama Power can assist in any other manner, please do not hesitate to contact us at your convenience.

This correspondence is provided in reliance on existing regulatory frameworks and interpretations and shall not be construed as a waiver of any rights. Alabama Power expressly reserves the right to revise its positions and/or compliance decisions in light of any changes in circumstance, subsequent factual developments, or changes in law, regulation, or regulatory guidance.

Sincerely,



Mike Godfrey
Alabama Power - Environmental Affairs

I certify under penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Scott Jackson
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Stacey Turner
Vice President of Environmental Affairs
Alabama Power Company